

IN THE CIRCUIT COURT OF HAMPSHIRE COUNTY, WEST VIRGINIA

LISA FITZGERALD,
Plaintiff,

VS.

CIVIL ACTION NO. 22-C-_____

COCA-COLA CONSOLIDATED, INC.,
Defendant.

COMPLAINT

Comes now your Plaintiff, Lisa Fitzgerald, through counsel Lawrence E. Sherman, Jr., and for his complaint alleges and avers that:

1. The Plaintiff, Lisa Fitzgerald is and, at all times and material hereto, a resident of the State of West Virginia, whose address is 650 Sherman Drive, Augusta, West Virginia 26704.

2. The Defendant, Coca-Cola Consolidated, Inc., is a foreign corporation with its principal office in the State of North Carolina, whose address is 4100 Coca-Cola Plaza, Charlotte, North Carolina 28211.

3. That on or about the 13th day of September, 2020, the Plaintiff, Lisa Fitzgerald, a member of the general public was a customer/invitee of the Dollar General Store located in Augusta, West Virginia. That at the same time and place, the Defendant, Coca-Cola Consolidated, Inc., through its employee, were responsible for insuring that their employees acted safely and cautiously when delivering and unloading product inside the store.

4. That on or about the 13th day of September, 2020, the Plaintiff, Lisa Fitzgerald, while shopping at the Dollar General Store located in Augusta, West Virginia, the

Defendant, Coca-Cola Consolidated, Inc., through its employee, while pushing the Coke products on a mechanism sort of similar to a dolly, was careless and negligent and failed to maintain control of the mechanism and wasn't paying attention to his surroundings and struck the Petitioner, Lisa Fitzgerald, from behind which caused the Plaintiff, Lisa Fitzgerald, to sustain various injuries including, but not limited to, her back, left hip and left shoulder.

5. As a direct and proximate result of the Defendant, Coca-Cola Consolidated, Inc., and its employee's negligent actions, constituted an unsafe condition, and consequently presented a high degree of risk and strong probability of serious injury.

6. That on or about the 13th day of September, 2020, the Defendant, Coca-Cola Consolidated, Inc., through its employee, was negligent and careless in failing to control the mechanism and failure to pay attention to his surroundings which caused an unsafe condition and a high degree of risk and a strong probability of injury.

7. That as a direct and proximate result of the carelessness and negligence of the Defendant, Coca-Cola Consolidated, Inc., through its employee, as more specifically stated as aforesaid, the Plaintiff, Lisa Fitzgerald, suffered injuries including but not limited to her back, left hip and left shoulder.

8. That as a direct and proximate result of the carelessness and negligence of the Defendant, Coca-Cola Consolidated, Inc., through its employee, as more specifically stated as aforesaid the Plaintiff, Lisa Fitzgerald, was required to undergo treatment of hospitals and from physicians, surgeons, physical therapists, and nurses.

9. That as a direct and proximate result of the carelessness and negligence of the Defendant, Coca-Cola Consolidated, Inc., through its employee, as more specifically

stated as aforesaid the Plaintiff, Lisa Fitzgerald, has incurred and/or will need to incur in the future, expenses and costs for future medical care and treatment, surgery, physical therapy, nursing care, medications, special medical equipment, radiological services, impairment of earning capacity, transportation to and from medical providers and pharmacies.

10. That as a direct and proximate result of the carelessness and negligence of the Defendant, Coca-Cola Consolidated, Inc., through its employee, as more specifically stated as aforesaid and the injuries sustained thereby by the Plaintiff, Lisa Fitzgerald, has endured much pain and suffering and will endure much pain and suffering in the future which has led to a diminished capacity to enjoy life.

11. That as a direct and proximate result of the carelessness and negligence of the Defendant, Coca-Cola Consolidated, Inc., through its employee, as more specifically stated as aforesaid the Plaintiff, Lisa Fitzgerald, sustained injuries, some of which are permanent in nature and has led to a diminished capacity to enjoy life.

12. The injuries, losses, and damages of the Plaintiff, Lisa Fitzgerald, are in part or in whole, the direct and proximate result of the negligence and carelessness of the Defendant, Coca-Cola Consolidated, Inc., through its employee, without any negligence on the part of the Plaintiff, contributing thereto.

WHEREFORE, your Plaintiff, Lisa Fitzgerald **DEMANDS**:

- a. Judgment against the Defendant, Coca-Cola Consolidated, Inc., through its employee, for such an amount that would fairly and justly compensate the Plaintiff for all of her injuries and all of her damages.
- b. Plaintiff, Lisa Fitzgerald, demands a jury trial.

Respectfully submitted,

LISA FITZGERALD
Plaintiff - By Counsel

/s/ Lawrence E. Sherman, Jr.
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